

**DAVID C. JOHNSTON,** )  
 )  
 Petitioner, )  
 )  
 v. ) **Case No. CIV 08-389-JHP-KEW**  
 )  
**HASKELL HIGGINS, Warden,** )  
 )  
 Respondent. )

On June 5, 2009, the court dismissed petitioner's petition for a writ of habeas corpus as time barred under 28 U.S.C. § 2244(d) [Docket #10]. On July 6, 2009, he filed an objection to the court's finding that he had not filed a response to the respondent's motion to dismiss, alleging he had mailed a response to the motion on December 11, 2008 [Docket #13]. The record shows petitioner's objection erroneously was captioned as Case No. 05-358-JHP, which was petitioner's previous habeas corpus case, and the response was filed in the earlier case.

The court has reviewed the record and construed plaintiff's pro se pleadings liberally. Federal courts, however, have no supervisory jurisdiction over state courts and are without

authority to direct state courts or their officers to perform their duties. *Van Sickle v. Holloway*, 791 F.2d 1431, 1436 n.5 (10th Cir. 1986). *See also Davis v. Lansing*, 851 F.2d 72, 74 (2d Cir. 1988); *Olson v. Hart*, 965 F.2d 940, 942 (10th Cir. 1992).

**ACCORDINGLY**, petitioner cannot be granted relief for his requests for relief in his objection to the respondent's motion to dismiss.

**IT IS SO ORDERED** this 13th day of August 2010.



James H. Payne  
United States District Judge  
Eastern District of Oklahoma